

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KIMBERLY RICHARDS,

Plaintiff,

Case No.

v.

Hon.

WAYNE COUNTY AIRPORT AUTHORITY,

Defendant.

GOLD STAR LAW, P.C.
MAIA E. JOHNSON (P40533)
CAITLIN E. MALHIOT (P76606)
Attorneys for Plaintiff
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COMPLAINT AND JURY DEMAND

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this Complaint.

COMPLAINT

Plaintiff, Kimberly Richards, through her attorneys, Gold Star Law, P.C., for her Complaint states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, Kimberly Richards (“Richards”), is an individual residing in Temperance, Monroe County, Michigan.
2. Defendant, Wayne County Airport Authority (“WCAA”), is a governmental entity operating in Detroit, Wayne County, Michigan.
3. The wrongful conduct of Defendant alleged herein occurred primarily in Wayne County, Michigan.
4. This action arises under Title VII of the Civil Rights Act of 1964, and jurisdiction of this Court is invoked pursuant to 28 USC 1331.
5. Richards filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) on March 17, 2014.
6. The EEOC closed its file on Richards’ charge and issued a Dismissal and Notice of Suit Rights to Plaintiff on May 14, 2014, which Notice was received by Richards on or about May 19, 2014. Dismissal and Notice of Suit Rights is attached.

FACTUAL ALLEGATIONS

7. Richards began working for WCAA as a Control Center Operator on September 16, 2013, and was terminated from her employment on February 27, 2014.
8. Almost from the beginning of her employment, Richards experienced

mistreatment and unequal treatment from her Operations Assistant, John Voll, which treatment was harsher and more derogatory than the treatment received from Voll by her male co-workers.

9. Throughout her employment with WCAA, Richards also experienced negative comments from Voll concerning working with females, such as “I gotta get out of this place, too many female hormones raging with all these women up in here” and Voll telling another male co-worker “good luck in here with all these women.”

10. Richards complained to the Director of Security, various supervisors, and to Human Resources about Voll’s discriminatory behavior toward women.

11. Voll, a long term WCAA employee, has a history of negative treatment of female co-workers.

12. WCAA has exhibited a tolerance of Voll’s negative treatment of fellow employees, and of fellow female employees in particular.

13. Upon information and belief, sometime after Richards’ termination, Voll was terminated for his harassing behavior of fellow employees.

14. Upon information and belief, Voll was reinstated to a position with WCAA after the above referenced termination, which reinstatement exhibits a policy of tolerance of Voll’s unacceptable behavior by WCAA.

15. On January 13, 2014, Richards received a fully acceptable

performance review.

16. On February 27, 2014, Richards was terminated, with the stated reason for her termination being “performance issues”

17. The performance issues which WCAA states as the reasons for Richards’ termination are relatively minor infractions which have been tolerated in others who have not filed complaints of sexual harassment and discrimination.

18. The stated reason for Richards’ termination is pretext for the true reason for her termination, that reason being retaliation for Richards’ having complained of sexual discrimination against a long term WCAA employee.

19. On March 17, 2014, Richards filed a charge with the EEOC, alleging that WCAA had discriminated against her based on her sex and that WCAA had retaliated against her for having complained of sexual discrimination. Richards was issued a Dismissal and Notice of Suit Rights by the EEOC on May 14, 2014.

CAUSE OF ACTION - VIOLATION OF TITLE VII

20. Plaintiff incorporates the allegations in the foregoing paragraphs of this Complaint as if fully stated herein.

27. Defendant is an “employer” within the coverage of the Civil Rights Act of 1964.

28. Plaintiff is an “employee” within the coverage of the Civil Rights Act of 1964.

34. WCAA discriminated against Richards based on her sex and tolerated sexual harassment of Richards by a co-worker after Richards complained of the sexual harassment to WCAA.

35. Richards was terminated by WCAA after complaining of sexual harassment by a long term WCAA employee in retaliation for having made the sexual harassment complaint.

36. Defendant's actions in so discriminating against Richards were in violation of Title VII of the Civil Rights Act of 1964.

36. As a direct and proximate cause of Defendant's violation of the Civil Rights Act, Richards has sustained damages including loss of past and future income and emotional distress, in an amount to be determined at trial.

WHEREFORE, Plaintiff, Kimberly Richards, requests that this Court grant judgment in her favor and against Defendant, in an amount to be determined at trial, together with her costs and reasonable attorney fees incurred herein, interest at the statutory rate, punitive damages, and such other relief as the Court deems just and equitable.

Respectfully submitted,

GOLD STAR LAW, P.C..

/s/ Maia E. Johnson

Maia E. Johnson (P40533)
Caitlin E. Malhiot (P76606)
Attorneys for Plaintiff
2701 Troy Center Dr., Ste. 400
Troy, MI, 48084
(248) 275-5200

Date: August 12, 2014

JURY DEMAND

Plaintiff, Kimberly Richards, hereby demands a trial by jury in this action.

Respectfully submitted,

GOLD STAR LAW, P.C.

/s/ Maia E. Johnson

Maia E. Johnson P40533
Caitlin E. Malhiot (P76606)
Attorneys for Plaintiff
2701 Troy Center Dr., Ste. 400
Troy, MI, 48084
(248) 275-5200

Date: August 12, 2014

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Kimberly Richards**
9270 Secor Road
Temperance, MI 48182

From: **Detroit Field Office**
477 Michigan Avenue
Room 865
Detroit, MI 48226



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

471-2014-01434

Kimberly Nicholson,
Investigator

(313) 226-4608

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

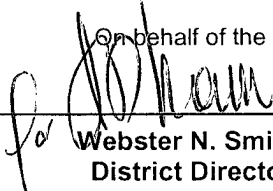
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)


Webster N. Smith,
District Director

5/14/2014
 (Date Mailed)

cc: **WAYNE COUNTY AIRPORT AUTHORITY**
c/o Thomas Schramm, Nemeth Law, PC
200 Talon Centre Drive, Suite 200
Detroit, MI 48207